

DAVID BURCHARD
CHAPTER 13 TRUSTEE
P.O. BOX 8059
FOSTER CITY, CA 94404
(650) 345-7801 FAX (650) 345-1514
(707) 544-5500 FAX (707) 544-0475

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

SALLY R. HOPKINS
324 DEVONSHIRE BOULEVARD
SAN CARLOS, CA 94070

Debtor(s)

Chapter 13
Case No: 13-31164 DM
Date: July 18, 2018
Time: 01:00 PM
Cttrm: 450 GOLDEN GATE AVENUE
16th FLOOR - COURTROOM #17
SAN FRANCISCO, CA 94102-

MOTION OF CHAPTER 13 TRUSTEE, DAVID BURCHARD,
TO DISMISS CASE UNDER 11 U.S.C. SECTION 1307(c)

TO: THE ABOVE-NAMED DEBTOR(S) AND TO DEBTOR'S(') ATTORNEY OF RECORD HEREIN:

The Chapter 13 Trustee, DAVID BURCHARD, moves the court for an order, pursuant to 11 U.S.C. Section 1307(c), dismissing this case for cause in that the Debtor(s) is in material default with respect to a term of the Debtor(s)' confirmed Chapter 13 Plan.

1. This court has jurisdiction over this matter pursuant to 11 U.S.C. Section 1307 (c), Federal Rules of Bankruptcy Procedure 9013 and 9014, and Bankruptcy Local Rules 9013-1 and 9014-1. This is a core proceeding under 28 U.S.C. Section 157(b)(2)(A).
2. This motion is made for cause pursuant to 11 U.S.C. Section 1307(c) on grounds that the Debtor(s) failed to comply with the terms of Debtor(s)' confirmed Chapter 13 Plan. This motion is based upon all documents, records on file, together with this Notice of Motion, Motion, Declaration and any such additional documents, records and evidence which may be presented.
3. An Order Confirming Plan was entered 09/23/2013.
4. Pursuant to the Debtor(s)' confirmed plan, upon receipt of distribution of debtor's interest in the Joyce E. George Revocable Trust, Debtor was to pay filed and allowed claims in full. Said trust distribution was to occur within 60 months.
5. Cause to dismiss this case exists because the Debtor(s) has failed to pay an amount sufficient to pay all claims in full by the 60th month as provided for in the Debtor(s)' confirmed Chapter 13 Plan. The 60th month was May 2018. The Trustee therefore requests the Court enter an order dismissing this case.

If you wish to oppose dismissal of this Chapter 13 case, you or your attorney may appear at the hearing on this motion and present argument in opposition to this motion

Dated: June 14, 2018

David Burchard
David Burchard, Chapter 13 Trustee

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DECLARATION IN SUPPORT OF CHAPTER 13 TRUSTEE,
DAVID BURCHARD'S, MOTION TO DISMISS CASE UNDER
11 U.S.C. SECTION 1307(c)

I am the custodian and/or keeper of the business records referenced herein, and I am qualified to certify the authenticity thereof. Additionally, I have personal knowledge of the matters stated in the Declaration except as to those stated on information and belief, and as to those matters, I believe them to be true and correct. If called upon as a witness, I could and would competently testify to the fact contained herein.

After reviewing the books, records and files of the above-referenced Debtor(s), I make the following Declarations:

1. An Order Confirming Plan was entered 09/23/2013.
2. Pursuant to the Debtor(s)' confirmed plan, upon receipt of distribution of debtor's interest in the Joyce E. George Revocable Trust, Debtor was to pay filed and allowed claims in full. Said trust distribution was to occur within 60 months.
3. The 60th month of the plan was May 2018, and as of the date hereof, Debtor has not complied with the above-referenced provision of the confirmed Chapter 13 plan.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on June 14, 2018, in Foster City, California.

Dated: June 14, 2018

David Burchard

David Burchard, Chapter 13 Trustee

CERTIFICATE OF SERVICE

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 1065 E. Hillsdale Blvd., Suite #200, Foster City, CA. On the date set forth below, I served a true and correct copy of the **Motion of Chapter 13 Trustee, David Burchard, to Dismiss Case Under 11 U.S.C. Section 1307(c), the Declaration in Support of Chapter 13 Trustee, David Burchard's Motion to Dismiss Case Under 11 U.S.C. Section 1307(c)** and this **Certificate of Service**, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SALLY R. HOPKINS
324 DEVONSHIRE BOULEVARD
SAN CARLOS, CA 94070

The following recipients have been served via Court's Notice of Electronic Filing:

CRAIG V WINSLOW
cvwinslow@aol.com

Dated: June 14, 2018

BRISA RAMIREZ
BRISA RAMIREZ